

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, May 5, 2016.

The following actions were made during the meeting:

Councilmember Hansen motioned to approve Ordinance 16-03, amending the Nibley City General Plan, for first reading. Councilman Bernhardt seconded the motion. The motion passed unanimously 5-0; with Councilmember Hansen, Councilman Bernhardt, Councilmember Jacobsen, Councilwoman Beus, and Councilmember Ramirez all in favor.

Councilmember Jacobsen motioned to accept the first draft of the Nibley City Fiscal Year 2016-17 Budget. Councilwoman Beus seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilwoman Beus, Councilmember Hansen, Councilman Bernhardt, and Councilmember Ramirez all in favor.

Councilwoman Beus motioned to revoke the temporary vendor license for M&M Sales Inc. Councilmember Ramirez seconded the motion. The motion passed unanimously 5-0; with Councilwoman Beus, Councilmember Ramirez, Councilmember Hansen, Councilmember Jacobsen, and Councilman Bernhardt all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Deputy City Recorder Cheryl Bodily

Opening Ceremonies—Councilmember Bernhardt

Councilman Bernhardt opened the meeting by recognized Troop 811 working on their Citizenship in the Community Merit Badge. Tate Bernhardt led the meeting in the Pledge of Allegiance.

Call to Order

Mayor Shaun Dustin called the Thursday, May 5, 2016, Nibley City Council meeting to order at 6:33 p.m. Those in attendance included Mayor Shaun Dustin, Councilman Larry Jacobsen, Councilman Thomas Bernhardt, and Councilman Tim Ramirez. Mr. David Zook, Nibley City Manager, Shari Phippen, Nibley City Planner, Stephen Nelson, Nibley City Treasurer, Justin Maughn, Nibley City Recreation Director, and Dianne Marvin, Nibley City Accounts Clerk were also in attendance.

Approval of agenda; and approval of the April 21, 2016 meeting minutes

Councilman Bernhardt made a motion to approve the last meeting minutes and the evening's agenda as outline. Councilmember Ramirez seconded the motion. The motion passed unanimously 3-0; with Councilman Bernhardt, Councilmember Ramirez, and Councilmember Jacobsen all in favor.

Public Comment Period

Mayor Dustin read the public comment period rules to the public present. He said this was the public's time to speak and the Council's time to listen and try and understand their concerns. Mayor Dustin said there wouldn't be back and forth engagement as a function of the rules of State Law.

Mayor Dustin opened the public comment period at 6:37 p.m.

Veronica Cabrera of 1150 West 2850 South of discussed that she lived in the area where there was a proposed road where semis would pass. She said she was concerned with family security and said there were several small children in her neighborhood. She asked the City Council to find other options. She understood that with growth there was need for further roads but asked the City Council to find another way.

Dillan Waller of 2600 South 1149 West in Nibley said he agreed with Ms. Cabrera's concerns. He said he had a little boy and lived three houses away from 12th west. Mr. Weller was not prepared to come up and speak but asked the City Council to come up with more alternates to keep everyone safe.

James Boyd of 1229 West 2890 South said he moved from 10th west, a very busy road, to 12th west which he recently found was also going to be a busy road. Mr. Boyd said he the public he had spoken to were concerned with three things, 1. safety, 2. fear of the reduction of property values, and 3. the ability to resale. Mr. Void asked if this was premature to discuss now. He said they had the potential of a developer coming in now and changing the time to act; he said today was the time to discuss this. Mr. Void asked the City Council to look at the budget and find money for a study to deter traffic and to discourage vehicles from using this as a lane of least resistance. He thanked the City Council for representing the citizens of Nibley.

Councilmember Hansen arrived at 6:38 p.m.

Mikell Brown at 2880 South 1100 West said Mr. Boyd had come out and educated those in the Neighborhood Non-Profit program and educated them about what was happening. She said she wanted to be educated on what was going to happen in her own backyard. Ms. Brown said she had looked at the plans and knew there were different options. She said she didn't know what congestion this road was helping. Ms. Brown said she was representing Neighborhood Non-Profit and said they were concerned and wanted answers sooner than later.

Mayor Dustin closed the public comment period at 6:46 p.m.

Councilwoman Beus arrived at 6:43 p.m.

(check the times)

Annual Presentation by the Nibley Royalty

Elisabeth Sweeten, Miss Nibley 2015 was present for this discussion. Miss Sweeten said she had gone to the Nibley Children's Theatre and helped clean and sort their storage closet for her service project. Miss Sweeten reported on Jr. Miss Nibley, Lindsay Rigby's service for Little Lamb's Foundation.

Becca Sweeten, 2015 Sweethearts 1st attendant, reported that she had also helped sort the Nibley Children's Theatre closet.

Public Hearing— to receive comment concerning an ordinance adopting an updated Nibley City General Plan

Krissy Gilmore, with Logan, Simpson Design was present at the meeting.

Mayor Dustin gave rules for the public hearing to the public present.

Ms. Phippen gave a presentation on the updated General Plan. She said that Utah Code 10-9a-401 required that each municipality prepare and adopt a comprehensive, long-range general plan for the present and future needs of the municipality and growth and development of all or any part of the land within the municipality. Ms. Phippen said Nibley City's General Plan was last updated in December 2007. In late 2015, Nibley City contracted with Logan Simpson Design, a Salt Lake based land use consulting firm, to prepare an update to the Nibley City General Plan. Over the past several months, Logan Simpson Design had conducted a number of public open houses and information gathering sessions, reviewed and analyzed current and past City master plans, and has spent many hours in meetings with various public bodies and also with staff.

Ms. Phippen said the proposed General Plan was broken down into four sections and described what included in these sections Ms. Phippen said that based on the recommendations in the General Plan, as it stands, having been reviewed and favorably recommended to Council by the Planning Commission, staff has begun the initial work on a number of ordinances and maps that will implement those goals. Ms. Phippen said staff was working on the land use map and the Planning Commission will be reviewing that at their next meeting. Ms. Phippen said concern had been raised that there wasn't enough reference to the word "rural" in the proposed plan. She said Ms. Gilmore had said she could make several more references to rural that were more explicitly stated.

Ms. Phippen said Mayor Dustin had requested the City Council schedule a time to specifically talk about the general plan with recommendations and changes. She recommended the City Council review any initial questions or comments and get feedback from the public and then schedule a workshop for a later date.

Mayor Dustin opened the public hearing at 6:57 p.m.

Barbara Wilden of 660 West 3200 South said she was the “rabble-rouser” that had discussed the use of the word “rural” at the last Planning and Zoning Commission meeting. She said developers and potential homeowners wouldn’t see the word “rural” in the updated General Plan; there were only a couple of references to “semi-rural.” She quoted the use of the word “rural” in the current General Plan. She read the mission statement from the proposed updated General Plan and said there was no use of the word “rural” in the mission statement. Mrs. Wilden read data from a survey taken by some Nibley citizens approximately 15 months ago and noted that Nibley citizens still wanted a rural community. Mrs. Wilden encouraged the use of subdivision ordinances and zoning to encourage Nibley’s rural feel. Mrs. Wilden encouraged the City Council to include the thought and plans for a “rural”, bedroom community in the new General Plan.

Corlyss Drinkard said despite the absence of the use of the word “rural” she thought the proposed general plan was a lot better than the old plan. She said she would like to see the half-acre minimum lot size emphasized in one form or another to help Nibley maintain a rural atmosphere. Ms. Drinkard discussed said that it was “painfully absurd” to talk about a Nibley town center. She saw no purpose for it where it was currently located and said it should rise organically from cross roads.

Seeing no further public comment, Mayor Dustin closed the public hearing at 7:06 p.m.

Discussion and Consideration of Ordinance 16-03: An Ordinance Amending the Nibley City General Plan (First Reading)

Mayor Dustin reminded the public of the City Council’s first and second reading process for considering and adopting ordinance. Mayor Dustin said he suggested the City Council schedule a workshop at which they could sit and “hash out” the proposed General Plan update.

Councilmember Hansen made a motion to approve Ordinance 16-03, amending the Nibley City General Plan, for first reading. Councilman Bernhardt seconded the motion.

Councilmember Jacobsen said he felt the City Council’s first order of business with the motion was to schedule a meeting time for the open meeting workshop. The City Council discussed potential workshop meeting times. Mayor Dustin discussed why he would prefer to not hold a workshop on the same evening as approval in the event that there are substantive changes. Mayor Dustin said if there were any substantive changes during this meeting then he would suggest the City Council table the potential adoption of Ordinance 16-03 to a later meeting. Councilmember Jacobsen discussed the possibility of holding another public hearing. The City Council decided to hold a general plan workshop at the next City Council meeting on May 19, 2016 and depending on the outcome of the workshop, to hold another public hearing at the first City Council meeting in June and then consider adoption of

the ordinance. Ms. Gilmore suggested she could arrive early to the workshop meeting and provide information to the public.

Councilmember Jacobsen challenged the remainder of the City Council to look at the proposed general plan and find the teeth and specificity that will let them write ordinances to implement the goals laid out in the plan. He suggested they get down to “brass tacks.”

The motion passed unanimously 5-0; with Councilmember Hansen, Councilman Bernhardt, Councilmember Jacobsen, Councilwoman Beus, and Councilmember Ramirez all in favor.

Presentation of the First Draft of the Fiscal Year 2016-17 Budget

Mr. Zook presented a PowerPoint presentation entitled Nibley City Budget FY 2016-17. This presentation covered Nibley’s mission, vision, and values. Mr. Zook presented overall revenues and expenditures, general fund revenues and expenditures, and specific general fund revenues.

Stephen Nelson, Nibley City Treasurer presented the revenues portion of the budget. He highlighted the proposed property tax rate, sales tax, licenses and permits, and the proposed revenue from the proposed rental of the house at the end of 3200 South.

Mr. Zook presented a breakdown of general fund expenditures.

Councilmember Hansen left at 8:11 p.m. and returned at 8:12 p.m.

Mr. Zook highlighted City Council, court, administration, elections, and non-departmental, and public safety expenditures.

Justin Maughn, Nibley City Public Works Director, presented the public works/shop, and street budget.

Mayor Dustin recognized Scout, Luke Dustin (Mayor Dustin’s son). Mr. Dustin said he was at the meeting working on a Merit Badge.

Mr. Maughn asked BJ Nelson to highlight the ongoing projects in the streets department. He discussed projects he anticipated doing in the next fiscal year. Mr. Nelson discussed road projects that were included in the capital improvements fund budget.

Mr. Maughn presented the storm water department budget. Mr. Maughn summarized upcoming storm water projects for fiscal year 2016-17.

Mayor Dustin left at 9:09 p.m. and returned at 9:12 p.m.

Mayor Dustin called for a meeting break at 9:13 p.m. The meeting resumed at 9:21 p.m.

Mr. Zook reviewed the budget for sanitation.

Ms. Phippen reviewed the budget for planning and building.

Justin Maughn presented and reviewed the proposed parks department budget. He described parks projects that had taken place. Park Superintendent, Rod Elwood presented the additional acreage that would be turned over to the parks department for fiscal year 2016-17, 2016-17 parks department proposals, and 2016-17 parks department requests.

Chad Wright, Nibley City Recreation Director presented the community development and recreation department budget. He reported the events he had directed in the past six months. Mr. Wright highlighted the general recreation revenue and gaining revenue from renting out the historic city hall and concession sales. Councilmember Ramirez asked for pictures or drawings of what improvements the city intended to make to historic city hall. Councilman Bernhardt and Mr. Wright discussed the value of buying trailer for concessions and Councilwoman Beus suggested reaching out to food trucks.

Councilmember Hansen left at 10:02 p.m. and returned at 10:04 p.m.

The City Council and Mr. Wright debated the use of a trailer for concessions, hauling, advertising, and revenues versus the up front cost of purchasing and running a concessions trailer.

Councilmember Hansen left the meeting at 10:12 p.m. and returned at 10: 15 p.m.

Justin Maughn discussed the water department budget. Justin Pope was also present for this discussion. He summarized the upcoming water and sewer department projects. Mr. Zook reminded the City Council that a tiered water rate structure would be coming to the City Council as was being required by the State.

Mr. Maughn talked about the sale of and the reason for the sale of capital equipment. After which, Mr. Maughn reviewed what had been accomplished in the sewer department in the past fiscal year. Mr. Zook said they had accounted for Logan's proposed increase sewer fee in the proposed budget. Mr. Pope described the projects that were anticipated for the upcoming budget year.

Mr. Zook discussed the Nibley/Millville First-Responders.

Councilwoman Beus left at 10:44 p.m. Councilwoman Beus returned at 10:46 p.m.

Mr. Zook summarized each project that fell under the capital projects budget in both revenues and expenditures. The City Council and particularly Councilmember Jacobsen, expressed interest in preserving the mature maple trees on 2600 South. Mr. Zook reviewed the impact fee funds from water, parks, sewer, stormwater, and roads.

Mr. Zook said they would hold the public hearing and first reading of the budget resolution at the next City Council meeting.

Councilmember Jacobsen made a motion to accept the first draft of the Nibley City Fiscal Year 2016-17 Budget. Councilwoman Beus seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilwoman Beus, Councilmember Hansen, Councilman Bernhardt, and Councilmember Ramirez all in favor.

Hearing to Revoke a Temporary Vendor License

Ms. Phippen said the city had issued temporary vendor licensing to a number of individuals working for M&M Sales Inc. She said these individuals presented the proper paperwork to be issued a license. After the license had been issued, the Sheriff's office had contacted Nibley City on April 26 informing the city that one of the individuals had been arrested and charged with check fraud directly related to their door-to-door sales and another was arrested for minor possession of marijuana and that the individuals were currently in Nibley City. Ms. Phippen said that after staff had consulted the City Attorney, they were advised to suspend the licenses for all of the individuals, pending a formal revocation hearing before the City Council. Ms. Phippen said Nibley City Code 3-4-8 allows for revocation of the licenses for a number of reasons, including fraud.

Councilwoman Beus made a motion to revoke the temporary vendor license for M&M Sales Inc. Councilmember Ramirez seconded the motion.

Councilmember Ramirez asked if there was a way to flag this company so that they couldn't come back. Ms. Phippen said she intended to ask the City Council to amend Nibley's ordinance to state that "in order to be issued a temporary vendor license they have to be licensed and in good standing with the State of Utah." She would like to see some type of regulations on who the city will issue temporary vendor licenses to in order to prevent this type of thing. Ms. Phippen said she would also suggest that any criminal background check should be dated within 48 hours of issuance of a temporary vendor license.

Councilmember Ramirez described how the Sheriff's office had controlled the situation.

The motion passed unanimously 5-0; with Councilwoman Beus, Councilmember Ramirez, Councilmember Hansen, Councilmember Jacobsen, and Councilman Bernhardt all in favor.

Council and Staff Reports

Councilman Bernhardt thanked city staff for filling in the pothole on 800 west and for the parking control measures that had been taken at Clear Creek Park.

Mayor Dustin reported on a meeting with the County Trails Office, Bear River Land Conservancy, and the Stokes Nature Center about trails connectivity and trail acquisition.

Mayor Dustin reported on an upcoming meeting with Layton Construction regarding the Hyrum sewer plant.

Councilmember Hansen said he was in favor of putting more money towards the trail acquisition system. Councilmember Ramirez stated that he also supported trail acquisition.

Mr. Zook reported on an annual meeting with UDOT.

Mr. Zook reported on the annual Stormwater Fair with training that was conducted by BJ Nelson.

Mr. Zook reported on meeting with the benefits coordinator for Nibley City employees.

There was general consent to adjourn the meeting at 11:15 p.m.

Attest: _____
Deputy City Recorder